

**Special Courts Committee
Judicial Conference of Indiana**

November 6, 2009
Minutes

1. Members present. The following members of the Committee were present: Richard Campbell, Randy Coffey, Matthew Cox, Jennifer DeGroote, J. David Grund, Stephenie LeMay-Luken, Richard Tandy, Linda Ralu Wolf, Glenn Hancock, acting Chair.
2. Staff present. Michelle C. Goodman provided the Committee with staff assistance.
3. Approval of minutes. The Committee unanimously approved the minutes from the August 2009 meeting.
4. Small Claims Rule 2(B)(4)(b). The Committee reviewed proposed rule and the revised statement of account that was requested during the August meeting. The Committee discussed whether this should be a procedure limited to assigned claims or required for all claims. The Committee determined that requiring it for all claims would be the best approach. The Committee also discussed whether the charge off amount and date was necessary on these forms and the Committee determined it was not needed. The Committee amended the statement of claim form by removing the charge off information and the caption and requested the title of the form be amended to read Small Claims Statement of Account. The Committee unanimously approved the proposed rule and the statement of claim form as amended.
5. Trial Rule 9.2. The Committee reviewed the proposed rule and the revised statement of account that was requested during the August meeting. The Committee requested the same items removed from the Small Claims Statement of Account also be removed on the Statement of Account for Trial Rule 9.2, which was unanimously approved. The Committee agreed that the addition of the statement of account form to both the Trial Rules and Small Claims Rules would promote uniformity among the courts, streamline the processing of cases, better inform defendants of the nature of the claim, and reduce forum shopping.
6. Small Claims Rule 8. The Committee reviewed a draft amendment to Small Claims Rule 8(C) to show affirmative waiver of damages exceeding the \$1500 limit if a full-time employee is designated under this rule. After discussing the draft, the Committee unanimously approved the proposal.
7. Traffic, Misdemeanor, Small Claims Benchbook. The Committee made the following assignments for preparing revisions to the Traffic, Misdemeanor, Small Claims Benchbook:
 - a. 1.00 – Traffic and Infractions – Judge Wolf
 - b. 2.00 – Criminal Procedure – Judge Cox

- c. 3.00 – OWI – Judge Hancock
- d. 4.00
 - i. Introduction – Collecting Judgment – Mag. Tandy
 - ii. Special Cases – Landlord/tenant – Protective Orders – Mag. DeGroote
 - iii. Special Cases – Stop Payment – Adverse claims on non-money judgment creditors – Mag. Coffey
 - iv. Forms & Small Claims Litigants Manual – Judge Lemay-Luken
- e. 5.00 – Plenary Docket – Judge Grund
- f. Staff will prepare Introduction, all Table of Contents, and cost/fee charts

All draft revisions are due to staff by January 29, 2010.

- 8. 2010 Meeting Schedule. The schedule of meeting for 2010 is:
 - Friday, February 12
 - Friday, May 14
 - Friday, August 13
 - Friday, November 12
 - All meetings will be held at the Indiana Judicial Center at 11 a.m.

Respectfully submitted,

Michelle C. Goodman
Indiana Judicial Center